



Copyright Case Competition Topic and Evaluation Criteria Design to Foster Students' Copyright Literacy

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Abstract

The paper conducts an in-depth exploration of the role of copyright case competitions in copyright education. It begins by analyzing the current state of copyright case competitions, then elaborates on how to construct scientifically rigorous and challenging topics for copyright case competitions, as well as how to develop fair and comprehensive evaluation criteria to enhance students' copyright literacy. The study finds that well-designed competition topics can motivate students to thoroughly comprehend copyright statutes, while reasonable evaluation standards can guide them in applying legal knowledge to solve practical problems. The purpose of holding a copyright case competition is to enhance students' awareness of copyright, legal analysis ability, and innovative thinking ability. This paper emphasizes the importance of competition as a practical teaching method in cultivating copyright literacy, providing new ideas for the curriculum design and evaluation of copyright education.

Subject Areas

Education, Law

Keywords

Copyright Case Competition, Topic Design, Evaluation Criteria, Copyright Literacy

1. Introduction to Background and Significance

Copyright, as an important component of intellectual property, is becoming increasingly important. The Party Central Committee and the State Council attach great importance to the construction of a strong intellectual property country.

Besides, “Outline for Building an Intellectual Property Power (2021-2035) [1]” was formulated, outlining a grand blueprint for building an intellectual property power. The three main types of intellectual property rights are copyright, patent rights, and trademark rights. This article focuses on copyright.

Copyright literacy has a profound impact on cultivating innovative talent, promoting scientific and cultural development, and driving social progress. The “14th Five-Year Plan” for intellectual property talent released in 2022 clearly stated that: “In line with the national regional major strategies, distinctive features should be highlighted and regional intellectual property talent development should be guided by classification, with efforts made to build high-level intellectual property talent hubs in Beijing, Shanghai, and the Guangdong-Hong Kong-Macao Greater Bay Area [2]”.

However, the traditional copyright education is often based on theoretical teaching, and the practice is insufficient, resulting in students’ understanding of copyright staying on the surface and lacking the ability of practical application, because the cultivation of copyright literacy involves not only the understanding of copyright legal provisions, but also the comprehensive cognition of the function, impact and copyright ecology of the copyright system. Faced with the new challenges of copyright infringement in the digital age, such as the copyright problem of video websites and the conception of the future copyright system, copyright education needs to constantly innovate to adapt to social changes. Through the copyright case competition and essay solicitation, students can get in touch with actual cases and learn how to resolve copyright disputes within the legal framework, which will undoubtedly help improve their legal analysis ability and practical ability of copyright protection. As an innovative teaching mode, the copyright case competition has injected new vitality into the copyright teaching process with its vivid, intuitive and participative characteristics.

2. Overview of the Development of Copyright Case Competition in China

Nationwide, copyright case competition, as an important part of copyright education, has shown strong vitality and influence. These competitions are not only widely carried out in higher education institutions, but also promoted in various professional associations, government agencies and international organizations, forming a diversified competition form and evaluation criteria to adapt to the needs of copyright education in different regions and fields. An earlier case competition was the “Sino-US Intellectual Property Moot Court” co-sponsored by the China Intellectual Property Training Center, the International Intellectual Property Research Center of Peking University and the John Marshall Law School of the United States, where students from China and the United States respectively conducted mock trials on the application of national laws to the same trademark infringement case, to compare the similarities and differences in court procedures and substantive laws of trademark infringement cases between the two countries.

Since then, various kinds of copyright case competitions have appeared and diversified, which greatly enriched the form and content of copyright education in our country. The topic of copyright is also diversified, covering all aspects of copyright law, such as the personal rights of works, the property rights of works, the neighboring rights and even the digital rights.

At the national level, sponsored by the National Copyright Administration and hosted by the National Copyright Trade Base of Renmin University of China, the “National College Students Copyright Essay Contest” encourages college students to study copyright issues in depth and promote the understanding and application of copyright law through academic exchanges. From the legislative concept of copyright law to the analysis of specific cases to the idea of the future copyright system, students are encouraged to explore and analyze from different perspectives, demonstrating the diversified value of copyright law in the new era. The publication and promotion of award-winning papers not only enhance the academic reputation of the authors, but also expand the scope of dissemination of copyright law knowledge.

At the regional level, in order to promote the development of Chongqing’s cultural creative design industry, “Chongqing Copyright Cup Cultural Creative Design Competition” has been successfully held for three consecutive years. The competition aims to discover and promote outstanding cultural and creative design works, guide students to apply the features of products protected by copyright law to the innovative design of actual products, and enhance the awareness of copyright protection and innovation ability. While exploring and promoting innovative products with copyright value, it also cultivates young students’ awareness of copyright protection and their ability to build copyright business models. Organized by the Intellectual Property Law Research Institute of Liaoning Province Law Society, Liaoning Intellectual Property Research Institute and Duan He Duan Shenyang Law Firm, the Liaoning College Students Intellectual Property Moot Court Competition has been successfully held for seven sessions, attracting the participation of many universities in many provinces.

At the industry level, professional organizations such as the Intellectual Property Protection Association and the Copyright Association guide students to apply their knowledge of copyright law to practical innovative projects, such as digital product design and copyright transaction model innovation, through copyright design competitions. Often in partnership with businesses, these competitions incorporate real business needs into the competition, allowing students to understand market dynamics and prepare for future employment or entrepreneurship while addressing real copyright issues. Sponsored by Zhejiang Provincial Copyright Bureau and China Academy of Art, and hosted by Zhejiang Provincial Copyright Association and China Academy of Art Publishing House, the “Intellectual Property Cup” creative design Competition has been successfully held for 12 consecutive sessions.

Within colleges and universities, with the promotion of copyright protection

awareness and the attention of innovative education, China's copyright case competition has gradually emerged and become a force that cannot be ignored in the copyright education system. Most of them are in the form of intellectual property moot court competitions, with copyright cases included in the title of the competition. These competitions, usually organized by law schools or intellectual property research centers, involve the analysis and resolution of specific copyright cases, and through a combination of theory and practice, promote students' in-depth understanding of the application of copyright law provisions and legal boundaries. For example, Beijing Foreign Studies University Law School and Wanhuida Beixiang Group, co-organized by Microsoft China, "BFSU-Wanhuida Cup" intellectual property Momot competition on a number of patents, trademarks, Copyrights and other hot cases launched a discussion, is also the only professional competition in China to discuss China's intellectual property issues in English.

The development of copyright case competition in our country shows the characteristics of government promotion, academic research and practical application. Through the competition, students are able to combine theoretical knowledge of copyright law with practical cases to enhance legal analysis, innovative thinking and awareness of copyright protection. At the same time, the rigorous and diversified evaluation criteria of the competition ensure that students can not only exercise legal skills, but also cultivate good professional ethics and copyright ethics in the process of participating. The influence of these competitions is gradually expanding, injecting vitality into the reform and development of copyright education in our country, and laying a solid foundation for training copyright professionals to adapt to the era of knowledge economy. Some competitions also invite industry experts and judges as judges to ensure the professionalism and impartiality of the evaluation criteria, so that students have the opportunity to get direct industry feedback and improve their copyright problem-solving skills.

The trend of holding copyright case competitions across the country shows that such events have become an integral part of copyright education by providing practical platforms for students to apply legal knowledge to analyze and solve specific copyright issues, thereby cultivating their copyright literacy. At the same time, the spirit of openness, innovation and collaboration advocated by these competitions is also in line with the requirements of modern society for intellectual property protection and knowledge economy development, and has laid a solid foundation for the optimization of copyright ecology in the future.

3. Design of Copyright Case Competition Topics and Evaluation Criteria

3.1. Principles and Methods for Designing Competition Topics and Questions

The design of copyright case competition topics and questions is a key factor in the success of the event. It not only guides students to deeply understand

copyright laws, but also stimulates their critical thinking and creative problem-solving abilities. Effective competition topic and question design should follow the following principles and methods:

Firstly, the topic should follow the principle of realism. Competitions should be based on real copyright disputes or current hot issues, allowing students to analyze and solve practical problems in a simulated legal environment. This can not only enable students to understand the specific application of copyright law in real life, but also enhance their legal practice ability. For example, the themes designed by the Organizing Committee of the 13th National Collegiate Copyright Essay Campaign sponsored by the National Copyright Administration and undertaken by the National Copyright Trade Base of Renmin University of China is: “Basic theoretical research on copyright law; research on administrative protection of copyright; research on judicial protection of copyright; research on collective management system of copyright; research on copyright industry related issues (including but not limited to copyright registration and filing, copyright certification, copyright trading operation, industry statistical analysis, specific field copyright industry research, copyright finance, etc.); research on international copyright rule of law; research on copyright hot issues (including but not limited to hot issues in self-media, online literature, sports event programs, short videos, live broadcasts, etc.); research on other copyright related issues [3]”. The themes of this essay contest is adjusted annually based on actual copyright hotspots and case disputes, and the selection of competition topics is in line with the current copyright research hotspots. This activity emphasizes the originality and unpublished nature of papers, aiming to cultivate students’ academic research ability and independent thinking spirit, while also conducting in-depth exploration of copyright law related theories and practices. This activity, led by the National Copyright Administration, can effectively enhance college students’ academic research interest in copyright law and promote the integration of theory and practice.

For example, the “Copyright Cup Cultural and Creative Design Competition” hosted by the Chongqing Copyright Bureau and Chongqing Education Commission allows students to explore the application of copyright law in practice through design competitions. This not only enhances their awareness of copyright protection, but also stimulates their innovative thinking and entrepreneurial abilities. In addition, the overall strategy of copyright work in Chongqing, such as integrating into the national development strategy, promoting the construction of the Chengdu Chongqing dual city economic circle, and planning in the fields of intelligence and digital economy development, has provided rich practical soil for this competition, making it an effective bridge between copyright education and social needs.

The topic of the competition should also embody the principle of challenge. In the moot court competition, a case that encompasses multiple copyright (or intellectual property) legal provisions and adjacent fields can be devised, requiring students to comprehensively apply legal knowledge to solve practical problems.

Participants are tasked with assuming the roles of attorneys, engaging in court debates based on authentic cases, while being evaluated by a panel comprising legal professors and industry experts. This format tests the depth of students' understanding of copyright law and their practical application skills. The moot court format enables students to personally experience the entire process of a copyright litigation, thereby enhancing their legal practice abilities. For instance, the theme of the 12th 'Beijing Foreign Studies University-Wanhuida Cup' Intellectual Property Moot Court Competition was: "Guangdong Juli Automobile Machinery Manufacturing Co., LTD. As Plaintiff vs. Shanghai Xinning Automobile Machinery Manufacturing Co., LTD. As Defendant on the Patent Right of a pumping Machine [4]". This case study consists of a 28 page Word document that provides a detailed list of various facts (Disputes; Brief Description of Annexed Figures; Detailed Description of Embodiments) and even 4 annexes (Relevant Content of the Plaintiff's Patent Specification; The Korean Patent Document—A Pumping Device Structure of Concrete Pump Truck; Exhibit of Commonly Known Technology; Relevant but not Exhaustive Statutes). In this simulated court, students solve cases adapted from real cases based on the law. Students in the same group collaborate with each other to search for laws, write legal documents, determine offensive and defensive strategies, and use existing knowledge to discover unknown knowledge. The plaintiff and defendant are attacking and defending each other. The design of this topic is both complex and open, encouraging students to analyze problems from different perspectives and cultivating their innovative thinking. As Dr. Lou Bixian from the School of Intellectual Property at Chongqing University of Technology summarized after implementing a simulated court training based on Problem Based Learning (PBL) teaching method in the classroom, "The selection of cases should only adhere to the combination of universality and particularity, avoid comprehensive and superficial simulated court trials, and ensure that cases are both unique and comparable [5]".

Furthermore, the topic should follow the principle of fairness. For law students, the questions designed in the competition should ensure that all participants maintain consistency in understanding the difficulty and starting point of problem-solving, to avoid affecting the fairness of the competition due to differences in the difficulty of the questions. For this purpose, the topic should be clear and concise, while providing necessary background information to ensure that students can understand and analyze within a limited time. For non law students, the design of questions should also consider their learning stage and professional background, ensuring that the questions have a certain depth and are not too complex, so that all students can participate. At the same time, the topic designer should also communicate with industry experts, teachers, and previous participants to obtain their feedback, in order to ensure the authenticity and challenge of the topic.

Through carefully designed competition questions, students can not only deepen their understanding of copyright law, but also enhance their legal analysis

skills, critical thinking, and innovative problem-solving abilities. This is not only beneficial for the personal growth of students, but also has a positive impact on the development of the copyright industry and the popularization of copyright protection awareness. Therefore, the design of copyright case competition topics is an important component of copyright education reform and innovation, and is worthy of in-depth research and practice by educators.

3.2. Construction and Optimization of Evaluation Criteria

Evaluation criteria are another important pillar of copyright case competitions, aimed at fairly and comprehensively measuring participants' knowledge application, legal analysis, and innovation capabilities. The construction and optimization of evaluation criteria should focus on the following aspects:

The rigor and depth of legal analysis are key aspects of evaluation. The evaluation criteria should focus on examining the participants' familiarity with copyright law provisions, as well as their understanding of relevant legal principles and systems. Participants are able to accurately identify legal issues in the case and use legal principles for logical reasoning. Through the analysis of specific cases, reveal the phenomenon of copyright infringement in reality and emphasize the urgency of copyright protection. The rigor and depth of the legal analysis of the contestants can be evaluated by analyzing their legal applicability to the case and the solutions they propose. The evaluation criteria should set clear score ratios to ensure that the examination of the foundation of copyright law occupies an important position. The evaluation criteria should encourage comprehensive analysis, consider different legal perspectives, and cite and interpret relevant precedents. For in-depth exploration of complex problems, additional bonus points can be set. As clearly stated in Official Rules 4.4 released by the organizing committee of the "Beijing Foreign Studies University-Wanhuida Cup" Intellectual Property Simulation Court Competition: "Chinese laws, regulations and the Supreme People's Court's interpretive announcements will be the governing law in general; guiding cases issued by the Supreme People's Court of People's Republic China could be used as reference; international laws and treaties which by adoption have been incorporated into Chinese laws will also be binding; all other legal authorities, such as national laws of other countries, judicial decisions of any court other than guiding cases issued by the Supreme People's Court of PRC, domestic or foreign, or commentaries made by legal scholars, will be considered at best as persuasive but not binding [6]". The competition rules explicitly require participants to cite relevant materials as support in their arguments based on the case materials, such as Chinese laws and regulations, court cases, theoretical theories, etc., and summarize the dispute focus of this case in English, explaining the reasons for both parties' arguments. The competition focuses on assessing the participants' level of intellectual property law, legal thinking ability, as well as their English writing and oral expression skills.

The embodiment of innovative thinking is a highlight in the evaluation criteria.

Competitions should encourage participants to propose novel copyright strategies or business models that can solve practical problems. When evaluating, consideration should be given to whether the contestants have broken through traditional thinking and proposed creative solutions, as well as the feasibility and potential social impact of these solutions. Innovation should be an important component of evaluation and given appropriate weight.

The selection criteria for the Chongqing “Copyright Cup Cultural and Creative Design Competition” require: “1. Product design should highlight regional, leading, practical, and commercial characteristics; 2 Highlighting the “New Chongqing New Image” in graphic design; 3. The animated video category highlights the theme of the competition “Celebrating a Century of Splendor, Promoting Development through Copyright Protection” and regional characteristics; 4. New media design highlights the cross-border and integration of Internet plus [7]”. The selection criteria for this competition are a comprehensive and multidimensional evaluation system, covering aspects such as regional (Chongqing image), creativity, technological leadership, and commercialization. The formulation of these selection criteria provides direction and guidance for the development of cultural and creative designs with copyright characteristics. Overall, the difference between this competition and regular cultural and creative design competitions lies in: 1) Emphasize the creativity (originality) of the entries, 2) Commerciality (replicability), and 3) Works belonging to the fields of literature, art, science, and technology. The creative evaluation criteria mainly consider factors such as whether the entries have unique creativity and artistic qualities. Originality refers to a work created by one or more authors through their own thinking and labor, which is a prerequisite for a work to be protected by copyright. The commercial (replicability) evaluation criteria mainly focus on the feasibility of the design work in the market. Works that meet the conditions for copyright protection are usually intellectual creations expressed in the form of material copies. The entries should possess commercial thinking and value, meet market demand, and have enormous commercial potential. The setting of selection criteria for the Chongqing Copyright Cup Cultural and Creative Design Competition is undoubtedly a booster for the vigorous development of the cultural and creative industry, injecting new vitality and momentum into the industry’s development.

The creative design theme of the “Intellectual Property Cup” Creative Design Competition in Zhejiang Province includes the “Four Thousand Spirits” creative design theme, which requires participants to design works that “demonstrate the genetic inheritance of the Zhejiang people’s ability to explore, dare to try, and dare to take risks [8]”. The private economy is the biggest characteristic, resource, and advantage of Zhejiang. The design of the competition topic affirms the vitality of Zhejiang’s private economy and encourages participants to inherit the spirit of Zhejiang’s private economy in practice.

In order to ensure the fairness of the evaluation, the development of standards should be completed by a diverse panel of judges, including legal experts, industry

professionals, teachers, and outstanding participants from previous years. At the same time, the evaluation process should follow the principle of transparency, publicly disclose the scoring criteria and evaluation results to enhance the credibility of the competition. The selection of the “National College Student Copyright Essay Contest” adopts an anonymous evaluation method. The review expert group is composed of experts and scholars from domestic legislative, administrative, judicial, and copyright practice departments, as well as higher education institutions and research institutions. They are able to provide feedback from different perspectives, ensuring the comprehensiveness and authority of the evaluation criteria. After the competition, the organizing committee will announce the list of winners on the official website of the National Copyright Administration and hold an award ceremony.

Teamwork and communication skills are essential components of evaluation criteria, especially in team competitions. The standard should evaluate the division of labor and collaboration among participating team members, as well as the logic and consistency of their submitted materials. In team competitions, coordination and cooperation among members not only require a common understanding of copyright law, but also require consensus in formulating solutions. This collision of collective wisdom can stimulate students’ deep thinking on copyright issues, while cultivating their collaborative spirit and effective communication skills, which are essential qualities for legal professionals and innovators in modern society. Effective communication and teamwork can enhance the efficiency of problem-solving and are also important soft skills in the modern workplace.

The evaluation criteria should also include considerations of copyright ethics. Participants should demonstrate an understanding of ethical issues such as fairness, respect, and protection of creators’ rights in copyright law when analyzing cases. This can be evaluated by analyzing whether the contestants have reflected the spirit of copyright law in their proposals and their attitudes towards infringement.

The construction and optimization of evaluation criteria is a continuous process that needs to be adjusted and improved according to the actual situation of each competition. By collecting feedback from participants, judges, and the public, the standards are regularly reviewed to ensure they are adapted to the latest developments in copyright law and reflect society’s new expectations for copyright protection. In this way, the evaluation criteria can not only effectively guide students to improve their copyright literacy, but also promote the continuous upgrading of competitions and become a powerful driving force for copyright education.

4. The Impact and Inspiration of Copyright Case Competitions on Students’ Copyright Literacy

The impact and inspiration of copyright case competitions on students’ copyright literacy are multifaceted. They not only play a key role in imparting knowledge, but also stimulate students’ innovation and critical thinking through practical activities, and have a profound impact on the formation of students’ professional

ethics. The connotation of copyright literacy includes the understanding of copyright laws, the functional cognition of copyright systems, the cultivation of legal analysis ability, and innovative thinking. In the copyright case competition, these qualities have been fully exercised and improved.

The carefully designed competition questions provide students with the opportunity to delve into specific copyright cases, enabling them not only to understand copyright laws but also to apply legal knowledge in practical situations. For example, by analyzing the division of music copyright and the controversy over plagiarism in movie scripts, students can have a more intuitive understanding of the application of copyright law in real life and learn how to accurately apply the law in complex situations. This type of deep learning helps cultivate students' legal analysis ability, enabling them to identify legal basis and solution strategies in complex copyright issues.

The evaluation criteria for copyright case competitions have played a guiding role in cultivating students' copyright literacy. A fair and comprehensive evaluation system encourages students to think from multiple perspectives when solving problems, not only focusing on the rigor of the law, but also encouraging innovative solutions. For example, for a case involving online infringement, the evaluation criteria may require students to accurately cite relevant legal provisions and propose copyright protection strategies that are suitable for the digital age. The establishment of such standards helps cultivate students' innovative thinking, enabling them to find solutions that meet the needs of the new era within the framework of copyright law.

The copyright case competition has played a positive role in promoting the cultivation of students' copyright literacy through carefully designed questions and fair evaluation criteria. It stimulates students' potential through practical activities, and cultivates their legal analysis ability, innovative thinking, and good professional ethics, thereby laying a solid foundation for future practitioners in the field of intellectual property. At the same time, the organization of the competition also provides valuable experience and inspiration for the reform of curriculum design and evaluation standards in copyright education, and points out the direction for the sustainable development and innovation of copyright education.

Conflicts of Interest

The author declares no conflicts of interest.

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